

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHRISTINA COURTNEY,)	
DEBBIE HEAD,)	
JOIANNE JONES,)	
TERESA SIMMONS,)	
DEONA MAE SLABAUGH,)	No. 1:15-cv-00643-TWP-MJD
ASHLEY RUCHELLE VALENTINE,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ELI LILLY AND COMPANY,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This matter is before the Court on *Lilly's Motion to Sever and Transfer Plaintiffs' Claims*. [Dkt. 14.] On October 26, 2015, District Judge Tanya Walton Pratt designated the undersigned Magistrate Judge to issue a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). [Dkt. 38.]

This products liability action is involves claims identical to those in three other Cymbalta cases pending in this district.¹ In those cases, District Judge Jane Magnus-Stinson recently granted Defendant's motion to sever and denied without prejudice its motion to transfer. On November 6, 2015, Plaintiffs consented to the entry of an order identical to those issued by Judge Magnus-Stinson. [Dkt. 40.] During a hearing

¹ *Boles v. Eli Lilly & Co.*, No. 1:15-cv-00351-JMS-DKL (S.D. Ind.); *DeCrane v. Eli Lilly & Co.*, No. 1:15-cv-00365-JMS-DKL (S.D. Ind.); and *Jones v. Eli Lilly & Co.*, No. 1:15-cv-00701-JMS-MJD (S.D. Ind.).

conducted on November 16, 2015, counsel for Defendant confirmed that Defendant too is agreeable to the entry of an order identical to those issued by Judge Magnus-Stinson. Therefore, the Magistrate Judge recommends Defendant's Motion be **GRANTED IN PART** and **DENIED IN PART** as outlined below.

The Court **GRANTS** *Lilly's Motion to Sever and Transfer Plaintiffs' Claims*, [Dkt. 14], to the extent that it **ORDERS** that Plaintiffs' claims shall be **SEVERED**. As set forth below, any Plaintiff who wishes to proceed in this action must file a separate complaint within 60 days of the date of this Order to proceed with their individual claims. Additionally, the Court **DENIES WITHOUT PREJUDICE** *Lilly's Motion to Sever and Transfer Plaintiffs' Claims*, [Dkt. 14], to the extent it denies Lilly's request to transfer Plaintiffs' claims to their home districts at this time. This Order does not preclude Lilly from moving to transfer any Plaintiff's claims should they be filed as a separate case (or from filing a subsequent motion to transfer with regard to Ms. Courtney in this case).

The Court establishes the following procedure for the filing of individual complaints in the separate cases ordered herein:

1. Each individual plaintiff (other than Ms. Courtney) must pay the \$400.00 filing fee when an individual complaint is filed on his or her behalf.
2. Pursuant to the direction of the Chief Judge, each individual case will be randomly assigned among active district judges and magistrate judges. Each individual case will be assigned its own cause number and will be subject to the Local Rules for the Southern District of Indiana and all applicable case management procedures. Each individual action shall be considered a continuation of this action and shall be subject to all prior rulings in this action to the extent applicable.

3. Any individual complaint must be filed within **60 days** of the date of this Order. If a plaintiff fails to file a complaint within 60 days from the date of this Order, his or her claims will be **DISMISSED WITHOUT PREJUDICE**.
4. After 65 days from the date of this Order, this action will be considered to assert claims on behalf of Christina Courtney only. All other plaintiffs will be terminated from this action.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), and failure to timely file objections within fourteen days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Date: 16 NOV 2015

A handwritten signature in black ink, appearing to read 'Mark J. Dinsmore', is written over a horizontal line.

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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